

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
COVENTRY CAPITAL US LLC,

Plaintiff,

-v-

EEA LIFE SETTLEMENTS INC., et al,

CIVIL ACTION NO.: 17 Civ. 7417 (JLR) (SLC)

Defendants.

ORDER

SARAH L. CAVE, United States Magistrate Judge.

Pursuant to the telephonic discovery conference held today, November 22, 2022 (the “Conference”), the Court orders as follows:

1. Coventry’s Letter-Motion to Compel Defendants EEA Life Settlements, Inc. (“EEA”) and Vincent Piscaer (“Piscaer”, with EEA, “Defendants”) to provide revised responses to certain requests for admission (the “RFAs”) (ECF No. 374–75) is GRANTED IN PART and DENIED IN PART as follows:
 - a. With respect to RFAs 5, 6, 8, 419, and 420, each RFA is revised to insert “Maple Life” before “NAV”, and EEA shall provide revised responses to these RFAs.
 - b. With respect to RFAs 429–31 and 435–38, EEA is not required to revise its responses.
 - c. With respect to RFAs 458, 461–62, 465–71, 478–79, and 482–83, each RFA is revised to replace the words “reflects a diagnosis of” with “does not contain the words,” and EEA shall provide revised responses.
 - d. With respect to RFA No. 505, the RFA shall read, “Admit that EEA possessed documents and data regarding the Policies, as defined in the LOI, to which EEA

did not provide Coventry access between April 27, 2017 and September 1, 2017" and EEA shall provide a revised response.

- e. With respect to RFAs No. 479–81 directed to Piscaer, the RFAs shall be revised consistent with (c) above, and Piscaer shall provide a revised response.
 - f. The parties may mutually agree, without further application to the Court, to any further changes to the RFAs addressed in this Order.
2. EEA's Letter-Motion to preclude Coventry from relying on documents and information produced after the close of fact discovery to support Coventry's claim for out-of-pocket damages (ECF No. 393–94 ("EEA's Motion")) is GRANTED IN PART and DENIED IN PART as follows:
- a. The depositions of Charles Brinkley, Joshua Funt, Reid Berger, and Joshua May (the "Employees") are reopened for no longer than 30 minutes each to permit Defendants to inquire about:
 - i. emails the Employees prepared (the "Emails") compiling the number of hours they expended on negotiations with EEA between February 2017 and September 2017 (the "Negotiations");
 - ii. the Employees' Forms W-2 for 2017 (the "W-2s");
 - iii. the amount of time the Employees expended on the Negotiations.
 - b. Coventry is NOT precluded from introducing the Emails, the W-2s, or other evidence concerning Coventry's alleged out-of-pocket damages.
 - c. Each party shall bear its own attorneys' fees and costs with respect to EEA's Motion and the Employees' depositions.

3. The parties shall promptly file a joint letter advising the Court when both (i) Defendants' revised RFA responses have been served, and (ii) the Employees' depositions have been completed.
4. The parties shall order a transcript of the Conference and file it on the docket. The parties shall submit a single request to: etranscripts@nysd.uscourts.gov, by **Monday, November 28, 2022**.
5. The Clerk of Court is respectfully directed to close ECF Nos. 374–75 and 393–94.

Dated: New York, New York
 November 22, 2022

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge